Questions:
1. Based on the direct area of the Cap, are there any concerns of the tugboat activity creating unsuspecting problems such as subsiding?
>> Subsidence in the area was caused primarily by excessive groundwater pumping in the past. The subsidence district has been created, and new groundwater management practices have limited the amount of subsidence in the area. Tugboat activity could create erosion concerns for the cap. During the design phase of the temporary armor cap, factors such as wave action caused by barge traffic and strong river flow velocities caused by severe weather events were taken into consideration. The cap was designed to limit these potential concerns (eg, using large rocks for the armored cap), and regular inspections including surveys are conducted to identify potential problems. When identified, a maintenance program is instituted to complete repairs.

2. Does the EPA have any future concerns for subsiding in the immediate area of the Cap?
>> Subsidence in the area was caused primarily by excessive groundwater pumping in the past. The subsidence district has been created, and new groundwater management practices have limited the amount of subsidence in the area. The design and construction of the temporary cap, did not take into consideration long term factors such as subsidence that could cause damage to the cap. The temporary cap was an immediate short term measure designed and constructed not to fail (5 – 7 year minimum design life) until a more in depth analysis is conducted during the remedial design phase of the superfund site.

3. When will the responsible party respond regarding the Cap assessment?
>>A conference call was conducted on Wednesday January 16 with the EPA, US Army Corps of Engineers, and the responsible party to discuss the July 2012 western berm erosion of the armor cap. Another request was made by the EPA to the responsible party about the need for a report that discusses the rationale for the July 2012 erosion. The responsible is in agreement that a report is needed and will report back to the EPA by the close of business Friday January 18th as to when they will have a report ready.

4. Why was the responsible party controlling the design and construction of the Cap?
>> The Cap was constructed under the authority of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which is a federal regulation implementing CERCLA. CERCLA and the NCP provide that responsible parties may perform CERCLA response actions, such as designing and constructing the Cap. However, the work performed by the private parties was done with oversight by the EPA, and this EPA oversight included reviewing and approving the design and final construction of the Cap. The EPA is continuing its oversight through its involvement in the current Cap assessment. The EPA will review the assessment report and must approve any additional actions in response to the assessment.

5. Why does TDHS allow more dioxin (1000 per trillion) than other states for residential exposure?

6. Why is the objective or purpose of the Cap in place to get to a solution in 7 to 10 years when clean-up should be more immediate?
>> The temporary cap was an immediate short term measure designed and constructed not to fail (5 – 7 year minimum design life) until a more in depth analysis is conducted during the remedial design phase of the superfund site. Based on the risk assessments that were completed, the greatest risks were related to direct contact with the waste material. Therefore, the cap was quickly installed. However, in order to make sure that the contamination is addressed appropriately, it is necessary to do a complete study to make sure that we understand exactly what contamination is out there, where it is going, and who might it effect. That is the purpose of the RI. It is only then that it is possible to do a good evaluation of what are the different ways that they site could be cleaned up, and of all those different ways what is the best. That is the purpose of the feasibility study. So, the purpose of the cap was to address the highest risks as quickly as possible, with more time and care taken to characterize the site and identify a long-term solution.

7. Can EPA do the clean-up directly? Under what conditions?
>> The EPA does have the authority to conduct response work using governmental funds, and to seek reimbursement of the response costs at a later date from the responsible parties. The EPA's general policy, however, is to pursue enforcement options first to achieve private party cleanups, and conserve governmental funds for sites where there are no responsible parties able to perform the work. The EPA performs oversight of responsible party cleanups to make sure the cleanups comply with CERCLA and applicable regulations and guidance.

8. Why is not one of immediate solutions to.....build a bulkhead surrounding the cap, dig out the dioxins, transport to a designated site contained area and not waste time in preliminary studies, cap assessments, etc? The longer the wait for clean-up the greater the health risk?
>>During the initial design phase of the removal action, one of the options for building a physical barrier surrounding the waste pits that was considered was building a bulkhead and/or driving down of sheet piling that would completely encapsulate the waste pits from future contact with the San Jacinto River. Based a number of environmental factors, the best alternative chosen that would temporarily abate the release and threat of release of dioxin from the 1966 waste ponds into the San Jacinto River that present an imminent and substantial endangerment was alternative #3 “granular cover and revetment” please see EPA document “TCRA Decision Document” dated July 28, 2010.

9. Is Health and Human services determining the immediate risk of residents of the drinking water, fish consumption and direct exposure of dioxin for swimmers, fishermen, etc in the immediate Highlands community?